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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,837	10/11/2001	Kimitaka Murashita	1075.1175	7761

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EXAMINER

PASIEWICZ, DANIEL M

ART UNIT	PAPER NUMBER
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2622

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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/973,837	Applicant(s) MURASHITA ET AL.	
	Examiner Daniel M. Pasiewicz	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14, 18, 22, 26 and 70-72 is/are pending in the application.
- 4a) Of the above claim(s) 1, 14, 18, 22, 26 and 71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 70 and 72 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments with respect to **claims 1, 14, 18, 22, 26 and 71** have been considered but are moot in view of Applicant's amendment to claims 1 and 71 which changes the scope of the claims making them drawn towards a non-elected species (see Election/Restrictions section below).

4. In view of Applicant's amendment there are no further objections to the claims.

Election/Restrictions

5. **Claims 1, 14, 18, 22, 26 and 71** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no

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allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/9/2005.

6. In the response filed 12/9/2005 Applicant elected Species 2 – Fig. 3-5. As amended **claim 1** states, “an image reader reading the images from the image obtaining apparatus ***before the consumer returns the image obtaining apparatus***”. However, page 29 lines 11-16 of Applicant’s specification states that in the second embodiment corresponding to Fig. 3-5 “When the customer returns the digital camera 10, the service provider connects the digital camera 10 with image recording apparatus 20, and image reader 21 of the digital camera 10 then fetches the image data stored in image data storing unit 12 of the digital camera 10”. Therefore, in elected species 2 the image reader reads the images from the image obtaining apparatus ***after*** the customer returns the image obtaining apparatus. **Claim 1** is drawn towards a non-elected species, such as when the images are wireless transmitted to the image recording apparatus, and therefore has been manually withdrawn from consideration.

7. **Claims 14, 18, 22 and 26** are also withdrawn from consideration as they depend from **claim 1**.

8. **Claim 71** also recites the limitation of reading the images “before returning the image forming apparatus” and has been withdrawn from consideration for similar reasons discussed above with respect to **claim 1**.

Claim Objections

9. Claims 70 and 72 are objected to because of the following informalities: unclear labeling of an object.

- **Claims 70 and 72** state that the image data read out from the image recording apparatus are "raw images". It is unclear as to whether Applicant had intended "raw images" to mean unprocessed image data as commonly used in the art or if "raw images" is merely a label for the images read from the image recording apparatus. As Applicant's specification states (page 21 lines 15-18) "image data obtained by CCD 11 is digitized by image data storing unit 12 and temporarily stored therein. Image data storing unit 12 has, say, a JPEG coding circuit and an image buffer" the Examiner believes the image data is processed in some fashion (i.e. JPEG compression) and therefore, the Examiner will interpret "raw images" as merely images from the camera.

10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 70 and 72 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,469,536 to Blank.

13. With respect to **claim 70 Blank** discloses, in Fig. 18, an image recording apparatus (900) (column 8 lines 45-52 and column 28 lines 1-9) comprising: an image reader (912) reading image data corresponding to a plurality of raw images stored in an image forming apparatus (920) removably connected to the image recording apparatus (900) (column 29 lines 10-21); an image manipulator (900) processing the image data to generate a plurality of processed images (column 30 lines 9-56 and column 32 lines 16-21; where images from the still camera are manipulated by imaging system 900); and an image writer storing the processed images in an image database (934) which can be accessed by a customer terminal via a network (column 29 lines 58-67; where the images maybe uploaded to a server that has greater storage capacity and then shared with other users accessing the server).

14. With respect to **claim 72 Blank** discloses, in Fig. 18, an image dispensing system (900), the image dispensing system (900) (column 8 lines 45-52 and column 28 lines 1-9) comprising: an image reading unit (912) to read out raw images stored in an image forming apparatus (920) which is temporarily connected to the image dispensing system (900) (column 29 lines 10-21); an image processing unit (900) to process the raw images according to a predetermined processing procedure to generate processed images (column 30 lines 9-56 and column 32 lines 16-21; where images from the still camera are processed through manipulation by imaging system 900); and an image output unit to transfer the processed images into an external image storing device (934),

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wherein the external image storing device (934) sends the processed images to a customer terminal via a network (column 29 lines 58-67; where the images maybe uploaded to a server that has greater storage capacity and then shared with other users accessing the server).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 6,657,660 to Shiota et al which discloses an image recording apparatus connected through a network to a server for storing and distributing images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Pasiewicz whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571)272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP

April 27, 2007



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER